

1/NO  
WILLIAM R. TAMAYO, REGIONAL ATTORNEY  
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
SAN FRANCISCO DISTRICT OFFICE  
350 EMBARCADERO, SUITE 500  
SAN FRANCISCO, CA 94105-1260

JOHN STANLEY, SUPERVISORY TRIAL ATTORNEY  
LISA COX, TRIAL ATTORNEY  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
909 FIRST AVENUE, SUITE 400  
SEATTLE, WA 98104  
TEL: (206) 220-6859  
FAX: (206) 220-6911  
lisa.cox@eeoc.gov

ATTORNEYS FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

SUPREME CORPORATION AND  
SUPREME NORTHWEST, LLC

Defendants.

CV'07-1047 MO

CIVIL ACTION NO. \_\_\_\_\_

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of national origin and

to provide appropriate relief to Charging Parties Samuel Carlos, Sergio Cruz Olivera, Adriana Ortiz, Luis Pantaleon, Maria Serratos, Zerafino Reyes Soto, Avelino Villeda Valencia (collectively “Charging Parties”), and similarly situated class members.

The Equal Employment Opportunity Commission (“the Commission”) alleges that Supreme Corporation (“Supreme”) and Supreme Northwest, LLC (“Supreme NW”), collectively “defendants,” discriminated against Charging Parties and similarly situated class members. Such discrimination was based on their national origin, Hispanic, and included: 1) disparate treatment, including discriminatory demotions, layoffs, and discharges; 2) harassment; and 3) constructive discharge.

Plaintiff seeks monetary relief, including compensatory and punitive damages, and injunctive relief, on behalf of the Charging Parties and similarly situated class members.

#### JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) (“Title VII”), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Oregon.

#### PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of the United States of America charged with the administration, interpretation and enforcement of

Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

4. Supreme Corporation (“Supreme”) is an Indiana-based manufacturer of truck bodies. In early 2004, Supreme opened a manufacturing facility, Supreme Northwest, LLC (“Supreme NW”), in Woodburn Oregon, to service the Northwest truck body market. Supreme also has manufacturing facilities in California, Georgia, Texas, and Pennsylvania, and employs approximately 2000 employees. Approximately 100 of these employees work in the Woodburn facility, where the violations occurred. Supreme and Supreme NW are collectively referred to as “defendants.”

5. At all relevant times, defendants have continuously been employers engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

#### STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Samuel Carlos, Sergio Cruz Olivera, Adriana Ortiz, Luis Pantaleon, Maria Serratos, Zerafino Reyes Soto, and Avelino Villeda Valencia each filed a charge with the Commission alleging violations of Title VII by defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least March, 2005 until September 14, 2005, defendants engaged in unlawful employment practices at the Supreme NW production facilities in Woodburn Oregon, in violation of § 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a). Defendants engaged in these unlawful practices through the following actions:

(a) Subjecting the Charging Parties, and similarly situated class members to disparate treatment based on their national origin, Hispanic, by assigning more tasks to Hispanics than to other workers; accusing only Hispanics of inappropriate conduct such as sabotage and stealing tools; giving non-Hispanics more privileges than Hispanics; disciplining Hispanics more harshly and more frequently than non-Hispanics; selecting mainly Hispanics for lay-offs, and unfairly demoting and terminating Hispanics.

(b) Subjecting Charging Parties, and similarly situated individuals to harassment based on their national origin (Hispanic), in the form of repeated derogatory comments and slurs;

(c) Causing the constructive discharge of Charging Party Adriana Ortiz by failing to remedy the hostile environment at defendants' workplace.

8. The effect of the practices complained of in paragraph 7 above has been to deprive the Charging Parties, and similarly situated individuals, of equal employment opportunities and otherwise adversely affect their status as employees.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of the Charging Parties.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendants, their officers, successors, agents, assigns, and all persons in active concert or participation with them, from engaging in any retaliatory employment practices.

B. Order defendants to institute and carry out policies, practices, and programs that provide equal employment opportunities for all employees and that eradicate the effects of defendants' past and present unlawful employment practices.

C. Order defendants to make whole the Charging Parties, and similarly situated class members, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

D. Order defendants to make whole the Charging Parties, and similarly situated class members, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order defendants to pay the Charging Parties and similarly situated class members punitive damages for the malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Commission its costs of this action.

JURY TRIAL DEMAND



The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 17th day of July, 2007

WILLIAM TAMAYO  
Regional Attorney

RONALD COOPER  
General Counsel

JOHN STANLEY  
Supervisory Trial Attorney

JAMES L. LEE  
Deputy General Counsel

LISA COX  
Trial Attorney

GWENDOLYN Y. REAMS  
Associate General Counsel

BY:   
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

San Francisco District Office  
350 The Embarcadero, Suite 500  
San Francisco, California 94105-1260

Seattle Field Office  
909 First Avenue, Suite 400  
Seattle, Washington 98104  
Telephone (206) 220-6859

Office of the General Counsel  
1801 "L" Street NW  
Washington, D.C. 20507

Attorneys for Plaintiff